UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 6 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. David Fakouri
Strategic Consulting Group, LLC
LA Economic Foundation, Inc.
16956 B South Harrell's Ferry Rd.
Baton Rouge, Louisiana 70816

Dear Mr. Fakouri:

Thank you for your September 26, 2013, email to the United States Environmental Protection Agency (EPA) Assistant Administrator Robert Perciasepe. In your e-mail, you ask that EPA correct the National Response Team (NRT) Bioremediation Fact Sheet from 2000 with respect to enzymatic agents and authorize the immediate use of Oil Spill Eater II (OSE II) in the Gulf of Mexico (GOM) to address significant toxicity problems you believe are present. Your e-mail has been referred to the Office of Emergency Management (OEM) for a response.

Under Executive Order 12777, the EPA maintains the listing of products on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart J Product Schedule and makes product information available to planners and responders. The NCP specifically provides that "listing of a product on the NCP Product Schedule does not constitute approval of the product." (40 CFR 300.920(e)). With respect to the use of OSE II as part of the Deepwater Horizon response, under the NCP, the Federal On-Scene Coordinator (FOSC) directs the spill response. The United States Coast Guard (USCG) provides the FOSC for the coastal zone while EPA provides the inland zone FOSC. As such, please contact the USCG for information concerning your request to authorize the immediate use of OSE II in the GOM. The FOSC is determined to continue response activities to remove all oil where it is technologically feasible, environmentally beneficial and safe for workers to perform recovery operations. At this time, we are not aware of any scientific studies or analyses that recommend the use of chemical agents, including bioremediation agents, to remove oil in the GOM.

In terms of your concerns regarding potential toxicity in and along the coast of the GOM associated with oil and dispersants, please be aware that there is considerable work completed or underway to determine, understand and address the ecological impacts in the GOM and the human exposure issues associated with oil and dispersants. Here are just a few examples of this work:

- The Operational Science Advisory Team (OSAT) developed an Ecotoxicity Addendum to their Summary Report for Sub Sea and Sub Surface Oil and Dispersant Detection in 2011. The purpose of this Addendum was to provide the OSC with information on the

toxicity of released oil and dispersant to representative water column and sediment-dwelling organisms and the transition of offshore activities from the emergency response phase to the long term recovery and restoration phase (see http://www.restorethegulf.gov/release/2011/07/29/osat-summary-report-sub-sea-and-sub-surface-oil-and-dispersant-detection-ecotoxic).

- The Final Programmatic Environmental Assessment for the Initial Comprehensive Plan entitled *Restoring the Gulf Coast's Ecosystem and Economy* completed August, 2013 notes that, "The Gulf of Mexico experiences numerous water quality problems resulting from the *Deepwater Horizon* disaster and other factors, including excess nutrients, hypoxia, altered sediment resources, pathogens, mercury, remaining oil and dispersants and other pollutants" (see http://www.restorethegulf.gov/release/2013/08/21/gulf-coast-ecosystem-restoration-council-posts-materials-august-28-2013-council-m).

- NOAA's Natural Resources Damage Assessment (NRDA) team is evaluating the impacts of the GOM oil spill on natural resources by collecting data on the toxic effects of oil on organisms and habitats in the GOM (see http://www.gulfspillrestoration.noaa.gov/oil-spill/gulf-spill-data/).

- The Deepwater Horizon Natural Resource Trustees are evaluating the impacts of the GOM oil spill on natural resources and recently released the Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (see http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/).

- The Coastal Response Research Center (CRRC), a partnership between NOAA's Office of Response and Restoration and the University of New Hampshire (UNH), manages a Dispersants Working Group (DWG) that provides government, industry and academic parties a forum for discussing research and operations involving dispersants. The CRRC also chairs periodic workshops on this subject. You can review the outcomes of these workshops and activities of the DWG at: http://www.crrc.unh.edu/.

- The Louisiana Universities Marine Consortium (LUMCON) maintains a unique bibliography called *Dispersants: An Electronic Bibliography on Effectiveness, Technological Advances, and Toxicological Effects.* This is an online, searchable annotated bibliography of all known published research on oil spill dispersants from 1960 until mid-2006. There are approximately 2,000 citations comprising the database including peer-reviewed research papers, government reports, conference proceedings and gray literature.

- Research scientists at the National Institute for Occupational Safety and Health (NIOSH) are testing the dispersant used in the Deepwater Horizon response (Corexit 9500A), crude oil, and dispersant and crude oil mixtures for possible adverse health effects of pulmonary and dermal exposure (see http://www.cdc.gov/niosh/topics/oilspillresponse/).

Finally, you can find links to several initiatives under the Gulf of Mexico Research Initiative (GoMRI) which is a 10-year, $500 million independent research program established by an agreement between BP and the Gulf of Mexico Alliance to study the effects of the *Deepwater Horizon* incident and the potential associated impact of this and similar incidents on the environment and public health (see http://gulfresearchinitiative.org).

Regarding next steps, the latest Biweekly Response Update posted by the Restore the Gulf website states that the Gulf Coast Incident Management Team (GCIMT) remains committed to the cleanup of the Gulf Coast and all shorelines affected as a result of the Deepwater Horizon oil rig explosion and spill (see http://www.restorethegulf.gov/).

Please note that the NRT is currently reviewing and considering revisions to the Bioremediation Fact Sheet. Member agencies such as EPA are examining the available scientific data associated with bioremediation agents, including enzymatic agents, and their mechanisms for oil spill remediation to determine what benefit is provided by bioremediation agents in responding to oil spills on water or elsewhere, and to determine the appropriate information and recommendations that the NRT should highlight for oil spill responders.

Thank you again for your email. If you have any questions please contact Craig Matthiessen at 202-564-8016.

Sincerely,

Lawrence M. Stanton, Director
Office of Emergency Management